

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

VIRNETX INC., LEIDOS, INC.,

Plaintiffs,

v.

APPLE INC.,

Defendant.

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CIVIL ACTION NO. 6:12-CV-00855-RWS

ORDER REGARDING EXHIBITS, EXHIBIT LISTS AND WITNESS LISTS

A. On the first day of trial, each party is required to have:

- (1) One copy of their respective original exhibits on hand. Each exhibit shall be properly labeled with the following information: Identified as either Plaintiff's or Defendant's Exhibit, the Exhibit Number and the Case Number.
- (2) Three hard copies of each party's exhibit list and witness list on hand.
- (3) One copy of all exhibits on USB Flash Drive(s) or portable hard drive(s). This shall be tendered to the courtroom deputy at the beginning of trial.

B. The parties shall follow the process below to admit exhibits.

- (1) *On the first day of trial*, each party shall tender a preadmitted list of exhibits it plans to admit into evidence. This list shall include all exhibits which are NOT objected to, or for which the Court has already overruled an objection. To the extent there are exhibits with outstanding objections for which the parties need a ruling from the Court, those exhibits should be separately included on the list and

designated accordingly to reflect a pending objection. Parties shall entitle the list “[Plaintiff’s/Defendant’s] List of Preadmitted Exhibits.”

(2) *On each subsequent day of trial*, the Court will commence by formally admitting all of the exhibits that were either unobjected to or allowed over objection and used during the previous day’s trial. The Court will ask for these exhibits to be read into the record and formally admitted into evidence at the beginning of that trial day. These will be the exhibits deemed admitted at trial. The parties shall keep a separate running list of all exhibits admitted throughout the course of trial.

(3) *At the conclusion of evidence*, each party shall read into the record any exhibit that was used but not previously admitted during the course of trial and then tender its final list of every admitted exhibit, entitled “[Plaintiff’s/Defendant’s] Final List of All Admitted Exhibits.”

C. At the conclusion of evidence, each party shall be responsible for pulling those exhibits admitted at trial, and tender those to the Courtroom Deputy, who will verify the exhibits and tender them to the jury for their deliberations. One representative from each side shall meet with the Courtroom Deputy to verify the exhibit list.

D. At the conclusion of trial, all boxes of exhibits shall be returned to the respective parties and the parties are instructed to remove these exhibits from the courtroom.

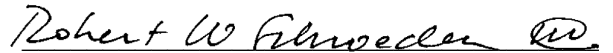
E. Within **five (5) business days** of the conclusion of trial, each party shall submit to the courtroom deputy:

- (1) A Final Exhibit List of Exhibits Admitted During Trial in Word format.
- (2) Two CD(s) containing admitted unsealed trial exhibits in PDF format. If the Court ordered any exhibits sealed during trial, the Sealed Exhibits shall be submitted on

a separate CD. If tangible or over-sized exhibits were admitted, such exhibits shall be substituted with a photograph in PDF format.

- (3) A disk containing the transcripts of Video Depositions played during trial, along with a copy of the actual video deposition.

SIGNED this 21st day of March, 2018.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE